

**GENERAL ASSEMBLY OF NORTH CAROLINA
FOURTH EXTRA SESSION 2016**

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**SENATE BILL 4
Finance Committee Substitute Adopted 12/15/16
Third Edition Engrossed 12/15/16
House Committee Substitute Favorable 12/15/16
Fifth Edition Engrossed 12/16/16**

Short Title: Bi-Partisan Ethics, Elections & Court Reform.

(Public)

Sponsors:

Referred to:

December 14, 2016

A BILL TO BE ENTITLED

1
2 AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE,
3 LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE
4 NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS
5 ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO
6 CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR
7 DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH
8 CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE
9 REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL
10 COMMISSIONERS.

11 The General Assembly of North Carolina enacts:

12
13 **PART I. CREATION OF BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS**
14 **ENFORCEMENT**

15 **SECTION 1.** Recodification; Technical and Conforming Changes. – The Revisor of
16 Statutes shall recodify Chapter 138A of the General Statutes, Chapter 120C of the General
17 Statutes, as well as Chapter 163 of the General Statutes, as amended by this act, into a new
18 Chapter 138B of the General Statutes to be entitled "Elections and Ethics Enforcement Act," as
19 enacted by Section 2 of this act. The Revisor may also recodify into the new Chapter 138B of the
20 General Statutes other existing statutory laws relating to elections and ethics enforcement that are
21 located elsewhere in the General Statutes as the Revisor deems appropriate. The new Chapter
22 138B of the General Statutes shall have the following structure:

23 **SUBCHAPTER I. GENERAL PROVISIONS**

24 Article 1. Bipartisan State Board of Elections and Ethics Enforcement.

25 **SUBCHAPTER II. ETHICS AND LOBBYING**

26 Article 5. General Provisions.

27 Article 6. Public Disclosure of Economic Interests.

28 Article 7. Ethical Standards for Covered Persons.

29 Article 8. Lobbying.

30 Part 1. Registration

31 Part 2. Prohibitions and Restrictions

32 Part 3. Reporting

33 Part 4. Liaison Personnel



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| 1 | Part 5. Exemptions |
| 2 | Part 6. Miscellaneous |
| 3 | Article 9. Violation Consequences. |
| 4 | SUBCHAPTER III. ELECTION AND ELECTION LAWS |
| 5 | Article 15. Time of Primaries and Elections. |
| 6 | Part 1. Time of Primaries and Elections |
| 7 | Part 2. Time of Elections to Fill Vacancies |
| 8 | Article 16. Election Officers. |
| 9 | Part 1. State Board Powers and Duties |
| 10 | Part 2. County Boards of Elections |
| 11 | Part 3. Political Activities by Board of Elections Members and Employees |
| 12 | Part 4. Precinct Election Officials |
| 13 | Article 17. Qualifying to Vote. |
| 14 | Part 1. Qualifications of Voters |
| 15 | Part 2. Registration of Voters |
| 16 | Part 3. Challenges |
| 17 | Part 4. HAVA Administrative Complaint Procedure |
| 18 | Article 18. Political Parties. |
| 19 | Article 19. Nomination of Candidates. |
| 20 | Part 1. Primary Elections |
| 21 | Part 2. Nomination by Petition |
| 22 | Part 3. Challenge to Candidacy |
| 23 | Article 20. Conduct of Primaries and Elections. |
| 24 | Part 1. Precincts and Voting Places |
| 25 | Part 2. Precinct Boundaries |
| 26 | Part 3. Voting |
| 27 | Part 4. Counting Official Ballots, Canvassing Votes, Hearing Protests, and |
| 28 | Certifying Results |
| 29 | Part 5. Members of United States House of Representatives |
| 30 | Part 6. Presidential Electors |
| 31 | Part 7. Presidential Preference Primary Act |
| 32 | Part 8. Petitions for Elections and Referenda |
| 33 | Article 21. Absentee Voting. |
| 34 | Part 1. Absentee Ballot |
| 35 | Part 2. Uniform Military and Overseas Voters Act |
| 36 | Article 22. Regulation of Election Campaigns. |
| 37 | Part 1. Corrupt Practices and Other Offenses Against the Elective Franchise |
| 38 | Article 23. Regulating Contributions and Expenditures in Political Campaigns. |
| 39 | Part 1. In General |
| 40 | Part 2. Disclosure Requirements for Media Advertisements |
| 41 | Part 3. Municipal Campaign Reporting |
| 42 | Article 24. The North Carolina Public Campaign Fund. |
| 43 | Article 25. The Voter-Owned Elections Act. |
| 44 | Article 26. Legal Expense Funds. |
| 45 | Article 27. Municipal Elections. |
| 46 | Part 1. Municipal Election Procedure |
| 47 | Part 2. Conduct of Municipal Elections |
| 48 | Article 28. Nomination and Election of Appellate, Superior, and District Court Judges. |
| 49 | When recodifying, the Revisor is authorized to change all references to the State Ethics |
| 50 | Commission, to the State Board of Elections, or to the Secretary of State, to instead be references |
| 51 | to the Bipartisan State Board of Elections and Ethics Enforcement. The Revisor may separate |

1 subsections of existing statutory sections into new sections and, when necessary to organize
2 relevant law into its proper place in the above structure, may rearrange sentences that currently
3 appear within subsections. The Revisor may modify statutory citations throughout the General
4 Statutes, as appropriate, and may modify any references to statutory divisions, such as "Chapter,"
5 "Subchapter," "Article," "Part," "section," and "subsection," adjust the order of lists of multiple
6 statutes to maintain statutory order, correct terms and conform names and titles changed by this
7 act, eliminate duplicative references to the Bipartisan State Board of Elections and Ethics
8 Enforcement that result from the changes authorized by this section, and make conforming
9 changes to catch lines and references to catch lines. The Revisor may also adjust subject and verb
10 agreement and the placement of conjunctions. The Revisor shall consult with the State Ethics
11 Commission, the State Board of Elections, the Secretary of State, and the new Bipartisan State
12 Board of Elections and Ethics Enforcement on this recodification.

13 **SECTION 2.(a)** The General Statutes are amended by adding a new Chapter to read:

14 **Chapter 138B.**

15 **"Elections and Ethics Enforcement Act."**

16 **SECTION 2.(b)** Chapter 138B of the General Statutes, as enacted by this act, is
17 amended by adding a new Subchapter to read:

18 **"SUBCHAPTER I. GENERAL PROVISIONS."**

19 **SECTION 2.(c)** Subchapter I of Chapter 138B of the General Statutes, as enacted by
20 this act, is amended by adding a new Article to read:

21 **"Article 1.**

22 **"Bipartisan State Board of Elections and Ethics Enforcement.**

23 **"§ 138B-1. Bipartisan State Board of Elections and Ethics Enforcement established.**

24 There is established the Bipartisan State Board of Elections and Ethics Enforcement, referred
25 to as the State Board in this Chapter.

26 **"§ 138B-2. Membership.**

27 (a) The State Board shall consist of eight individuals registered to vote in North Carolina,
28 as follows:

- 29 (1) Four members shall be appointed by the Governor, two of whom shall be of the
30 political party with the highest number of registered affiliates and two of whom
31 shall be of the political party with the second highest number of registered
32 affiliates, as reflected by the latest registration statistics published by the State
33 Board. The Governor shall appoint two members each from a list of three
34 nominees submitted by the State party chairs of the two political parties with
35 the highest number of registered affiliates, as reflected by the latest registration
36 statistics published by the State Board.
- 37 (2) Two members shall be appointed by the General Assembly upon the
38 recommendation of the Speaker of the House of Representatives, as provided in
39 G.S. 120-121. One member shall be of the political party with the highest
40 number of registered affiliates and one member shall be of the political party
41 with the second highest number of registered affiliates, as reflected by the latest
42 registration statistics published by the State Board. All appointments shall be
43 from a list of three nominees submitted to the Speaker of the House of
44 Representatives by the majority leader of the House of Representatives and a
45 list of three nominees submitted to the Speaker of the House of Representatives
46 by the minority leader of the House of Representatives.
- 47 (3) Two members shall be appointed by the General Assembly upon the
48 recommendation of the President Pro Tempore of the Senate, as provided in
49 G.S. 120-121. One member shall be of the political party with the highest
50 number of registered affiliates and one member shall be of the political party
51 with the second highest number of registered affiliates, as reflected by the latest

1 registration statistics published by the State Board. All appointments shall be
2 from a list of three nominees submitted to the President Pro Tempore by the
3 majority leader of the Senate and a list of three nominees submitted to the
4 President Pro Tempore by the minority leader of the Senate.

5 (b) Members shall serve for four-year terms, beginning May 1 immediately following the
6 election of the Governor.

7 (c) Members shall be removed by the member's appointing authority from the State Board
8 only for misfeasance, malfeasance, or nonfeasance.

9 (d) Any vacancy occurring on the State Board shall be filled by an individual affiliated
10 with the same political party of the vacating member. Any vacancy occurring in the State Board in
11 an appointment made by the Governor shall be filled by the Governor, and the person so appointed
12 shall fill the unexpired term. The Governor shall fill the vacancy from a list of two names
13 submitted by the State party chair of the political party with which the vacating member was
14 affiliated if that list is submitted within 30 days of the occurrence of the vacancy. Any vacancy
15 occurring on the State Board in an appointment made by the General Assembly upon the
16 recommendation of the Speaker of the House of Representatives shall be filled in accordance with
17 G.S. 120-122 for the remainder of the unfulfilled term. Any vacancy occurring on the State Board
18 in an appointment made by the General Assembly upon the recommendation of the President Pro
19 Tempore of the Senate shall be filled in accordance with G.S. 120-122 for the remainder of the
20 unfulfilled term.

21 (e) At the first meeting held after new appointments are made, the members of the State
22 Board shall take the following oath:

23 "I, _____, do solemnly swear (or affirm) that I will support the Constitution
24 of the United States; that I will be faithful and bear true allegiance to the State of North
25 Carolina and to the constitutional powers and authorities which are or may be
26 established for the government thereof; that I will endeavor to support, maintain, and
27 defend the Constitution of said State; and that I will well and truly execute the duties of
28 the office of member of the Bipartisan State Board of Elections and Ethics
29 Enforcement according to the best of my knowledge and ability, according to law, so
30 help me God."

31 (f) At the first meeting in May, the State Board shall organize by electing one of its
32 members chair and one of its members vice-chair, each to serve a one-year term as such. In the
33 odd-numbered year, the chair shall be a member of the political party with the highest number of
34 registered affiliates, as reflected by the latest registration statistics published by the State Board,
35 and the vice-chair a member of the political party with the second highest number of registered
36 affiliates. In the even-numbered year, the chair shall be a member of the political party with the
37 second highest number of registered affiliates, as reflected by the latest registration statistics
38 published by the State Board, and the vice-chair a member of the political party with the highest
39 number of registered affiliates.

40 (g) At the first meeting held after new appointments are made after taking the oath, the
41 State Board shall elect one of its members secretary, to serve a four-year term as such.

42 (h) No person shall be eligible to serve as a member of the State Board who holds any
43 elective or appointive office under the government of the United States, the State of North
44 Carolina, or any political subdivision thereof. No person who holds any office in a political party
45 or organization, or who is a candidate for nomination or election to any office, or who is a
46 campaign manager or treasurer of any candidate in a primary or election shall be eligible to serve
47 as a member of the State Board. In addition, no person while serving on the State Board shall:

48 (1) Make a reportable contribution to a candidate for a public office over which the
49 State Board would have jurisdiction or authority.

50 (2) Register as a lobbyist under Article 8 of this Chapter.

1 (3) Make written or oral statements intended for general distribution or
2 dissemination to the public at large supporting or opposing the nomination or
3 election of one or more clearly identified candidates for public office.

4 (4) Make written or oral statements intended for general distribution or
5 dissemination to the public at large supporting or opposing the passage of one
6 or more clearly identified referendum or ballot issue proposals.

7 (5) Solicit contributions for a candidate, political committee, or referendum
8 committee.

9 (i) Members of the State Board shall receive per diem, subsistence, and travel, as provided
10 in G.S. 138-5 and G.S. 138-6.

11 **"§ 138B-3. Meetings; quorum; majority.**

12 The State Board shall meet at least monthly and at other times as called by its chair or by six
13 of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair. Six
14 members of the State Board constitute a quorum for the transaction of business. Except where
15 required by law to act unanimously, a majority vote for action of the State Board shall require six
16 of the eight members.

17 **"§ 138B-4. Powers of the State Board in the execution of State Board duties.**

18 (a) In the performance of the duties enumerated in this Chapter, the State Board, upon a
19 vote of six or more of its members, shall have power to administer oaths, issue subpoenas,
20 summon witnesses, and compel the production of papers, books, records, and other evidence. Such
21 subpoenas for designated witnesses or identified papers, books, records, and other evidence shall
22 be signed and issued by the chair.

23 (b) In the absence of the chair or upon the chair's refusal to act, the vice-chair may sign
24 and issue subpoenas, summon witnesses, and compel the production of papers, books, records, and
25 other evidence approved in accordance with subsection (a) of this section. In the absence of the
26 chair or upon the chair's refusal to act, any member of the State Board may administer oaths.

27 (c) The State Board, upon a vote of six or more of its members, may petition the Superior
28 Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as
29 necessary to conduct investigations of violations of this Chapter. The court shall authorize
30 subpoenas under this subsection when the court determines they are necessary for the enforcement
31 of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through
32 contempt powers. Venue shall be with the Superior Court of Wake County for any nonresident
33 person, or that person's agent, who makes a reportable expenditure under this Chapter, and
34 personal jurisdiction may be asserted under G.S. 1-75.4.

35 **"§ 138B-5. Independent agency, staff, and offices.**

36 (a) The State Board shall be and remain an independent regulatory and quasi-judicial
37 agency and shall not be placed within any principal administrative department. The State Board
38 shall exercise its statutory powers, duties, functions, and authority and shall have all powers and
39 duties conferred upon the heads of principal departments under G.S. 143B-10.

40 (b) The State Board may employ professional and clerical staff, including an Executive
41 Director.

42 **"§ 138B-6. Executive Director of the State Board.**

43 (a) There is hereby created the position of Executive Director of the State Board, who shall
44 perform all duties imposed by statute and such duties as may be assigned by the State Board.

45 (b) The State Board shall appoint an Executive Director for a term of four years with
46 compensation to be determined by the Office of State Human Resources. The Executive Director
47 shall serve beginning May 15 after the first meeting held after new appointments to the State
48 Board are made, unless removed for cause, until a successor is appointed. In the event of a
49 vacancy, the vacancy shall be filled for the remainder of the term.

1 State Board shall comply with G.S. 150B-21.2(d). At least 30 business days prior to adopting a
2 rule, the ~~Commission~~State Board shall:

- 3 (1) Publish the proposed rules in the North Carolina Register.
- 4 (2) Submit the rule and a notice of public hearing to the Codifier of Rules, and the
5 Codifier of Rules shall publish the proposed rule and the notice of public
6 hearing on the Internet to be posted within five business days.
- 7 (3) Notify those on the mailing list maintained in accordance with
8 G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a rule
9 and of the public hearing.
- 10 (4) Accept written comments on the proposed rule for at least 15 business days
11 prior to adoption of the rule.
- 12 (5) Hold at least one public hearing on the proposed rule no less than five days
13 after the rule and notice have been published.

14 A rule adopted under this subsection becomes effective the first day of the month following the
15 month the final rule is submitted to the Codifier of Rules for entry into the North Carolina
16 Administrative Code, and applies prospectively. A rule adopted by the Commission that does not
17 comply with the procedural requirements of this subsection shall be null, void, and without effect.
18 For purposes of this subsection, a rule is any ~~Commission~~State Board regulation, standard, or
19 statement of general applicability that interprets an enactment by the General Assembly or
20 Congress, or a regulation adopted by a federal agency, or that describes the procedure or practice
21 requirements of the ~~Commission~~State Board.

22 ~~(d) For purposes of G.S. 150B-21.3(b2), a written objection filed by the Commission to a~~
23 ~~rule adopted by the Secretary of State pursuant to this Chapter shall be deemed written objections~~
24 ~~from 10 or more persons under that statute. Notwithstanding G.S. 150B-21.3(b2), a rule adopted~~
25 ~~by the Secretary of State pursuant to this Chapter objected to by the Commission under this~~
26 ~~subsection shall not become effective until an act of the General Assembly approving the rule has~~
27 ~~become law. If the General Assembly does not approve a rule under this subsection by the day of~~
28 ~~adjournment of the next regular session of the General Assembly that begins at least 25 days after~~
29 ~~the date the Rules Review Commission approves the rule, the permanent rule shall not become~~
30 ~~effective and any temporary rule associated with the permanent rule expires. If the General~~
31 ~~Assembly fails to approve a rule by the day of adjournment, the Secretary of State may initiate~~
32 ~~rulemaking for a new permanent rule, including by the adoption of a temporary rule.~~

33 **"§ 120C-102. Request for advice.**

34 (a) At the request of any person, State agency, or governmental unit affected by this
35 Chapter, the ~~Commission~~State Board shall render advice on specific questions involving the
36 meaning and application of this Chapter and that person's, State agency's, or any governmental
37 unit's compliance therewith. Requests for advice and advice rendered in response to those requests
38 shall relate to real or reasonably anticipated fact settings or circumstances.

39 (a1) A request for a formal opinion under subsection (a) of this section shall be in writing,
40 electronic or otherwise. The ~~Commission~~State Board shall issue formal advisory opinions having
41 prospective application only. An individual, State agency, or governmental unit who relies upon
42 the advice provided to that individual, State agency, or governmental unit on a specific matter
43 addressed by a requested formal advisory opinion shall be immune from all of the following:

- 44 (1) Investigation by the ~~Commission~~State Board.
- 45 (2) Any adverse action by the employing entity.
- 46 ~~(3) Investigation by the Secretary of State.~~

47 (b) Staff to the ~~Commission~~State Board may issue advice, but not formal advisory
48 opinions, under procedures adopted by the ~~Commission~~State Board.

49 (c) The ~~Commission~~State Board shall publish its formal advisory opinions within 30 days
50 of issuance, edited as necessary to protect the identities of the individuals requesting opinions.

1 (d) Except as provided under subsections (c) and (d1) of this section, a request for advice,
2 any advice provided by ~~Commission~~State Board staff, any formal advisory opinions, any
3 supporting documents submitted or caused to be submitted to the ~~Commission~~State Board or
4 ~~Commission~~State Board staff, and any documents prepared or collected by the ~~Commission~~State
5 Board or the ~~Commission~~State Board staff in connection with a request for advice are confidential.
6 The identity of the individual, State agency, or governmental unit making the request for advice,
7 the existence of the request, and any information related to the request may not be revealed
8 without the consent of the requestor. An individual, State agency, or governmental unit who
9 requests advice or receives advice, including a formal advisory opinion, may authorize the release
10 to any other person, the State, or any governmental unit of the request, the advice, or any
11 supporting documents.

12 For purposes of this section, "document" is as defined in G.S. 120-129. Requests for advice,
13 any advice, and any documents related to requests for advice are not "public records" as defined in
14 G.S. 132-1.

15 ~~(d1) Staff to the Commission may share all information and documents related to requests~~
16 ~~under subsection (a) and (a1) of this section with staff of the Office of the Secretary of State. The~~
17 ~~information and documents in the possession of the staff of the Office of the Secretary of State~~
18 ~~shall remain confidential and not public records. The Commission shall forward an unedited copy~~
19 ~~of each formal advisory opinion under this section to the Secretary of State at the time the formal~~
20 ~~advisory opinion is issued to the requestor, and the Secretary of State shall treat that unedited~~
21 ~~advisory opinion as confidential and not a public record.~~

22 (e) Requests for advisory opinions may be withdrawn by the requestor at any time prior to
23 the issuance of a formal advisory opinion.

24 ...

25 **"§ 120C-601. Powers and duties of the ~~Commission~~State Board.**

26 (a) The ~~Commission~~State Board may investigate complaints of violations of this Chapter
27 and shall refer complaints related solely to Articles 2, 4, or 8 of this Chapter to the Secretary of
28 State.~~Chapter.~~

29 (b) The ~~Commission~~State Board may petition the Superior Court of Wake County for the
30 approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of
31 violations of this Chapter. The court shall authorize subpoenas under this subsection when the
32 court determines they are necessary for the enforcement of this Chapter. Subpoenas issued under
33 this subsection shall be enforceable by the court through contempt powers. Venue shall be with
34 the Superior Court of Wake County for any nonresident person, or that person's agent, who makes
35 a reportable expenditure under this Chapter, and personal jurisdiction may be asserted under
36 G.S. 1-75.4.

37 (c) Complaints of violations of this Chapter and all other records accumulated in
38 conjunction with the investigation of these complaints shall be considered confidential records and
39 may be released only by order of a court of competent jurisdiction. Any information obtained by
40 the ~~Commission~~State Board from any law enforcement agency, administrative agency, or
41 regulatory organization on a confidential or otherwise restricted basis in the course of an
42 investigation shall be confidential and exempt from G.S. 132-6 to the same extent that it is
43 confidential in the possession of the providing agency or organization.

44 (d) The ~~Commission~~State Board shall publish annual statistics on complaints, including
45 the number of complaints, the number of apparent violations of this Chapter referred to a district
46 attorney, the number of dismissals, and the number and age of complaints pending.

47 **"§ 120C-602. Punishment for violation.**

48 (a) Whoever willfully violates any provision of Article 2 or Article 3 of this Chapter shall
49 be guilty of a Class 1 misdemeanor, except as provided in those Articles. In addition, no lobbyist
50 who is convicted of a violation of the provisions of this Chapter shall in any way act as a lobbyist
51 for a period of two years from the date of conviction.

1 (b) In addition to the criminal penalties set forth in this section, the Secretary of State may
2 levy civil fines for a violation of any provision of Articles 2, 4, or 8 of this Chapter up to five
3 thousand dollars (\$5,000) per violation. In addition to the criminal penalties set forth in this
4 section, the ~~Commission~~State Board may levy civil fines for a violation of any provision of this
5 Chapter except Article 2, 4, or 8 of this Chapter up to five thousand dollars (\$5,000) per violation.

6 **"§ 120C-603. Enforcement by district attorney and Attorney General.**

7 (a) The ~~Commission or the Secretary of State, as appropriate,~~State Board may investigate
8 complaints of violations of this Chapter and shall report apparent violations of this Chapter to the
9 district attorney of the prosecutorial district as defined in G.S. 7A-60 of which Wake County is a
10 part, who shall prosecute any person or governmental unit who violates any provisions of this
11 Chapter.

12 (b) Complaints of violations of this Chapter involving the ~~Commission~~State Board or any
13 member employee of the ~~Commission~~State Board shall be referred to the Attorney General for
14 investigation. The Attorney General shall, upon receipt of a complaint, make an appropriate
15 investigation thereof, and the Attorney General shall forward a copy of the investigation to the
16 district attorney of the prosecutorial district as defined in G.S. 7A-60 of which Wake County is a
17 part, who shall prosecute any person or governmental unit who violates any provisions of this
18 Chapter.

19"

20 **SECTION 5.(a)** G.S. 163-19 is repealed.

21 **SECTION 5.(b)** G.S. 163-20 reads as rewritten:

22 **"§ 163-20. Meetings of Board; quorum; minutes.**

23 (a) ~~Call of Meeting.—The State Board of Elections shall meet at the call of the chairman~~
24 ~~whenever necessary to discharge the duties and functions imposed upon it by this Chapter. The~~
25 ~~chairman shall call a meeting of the Board upon the written application or applications of any two~~
26 ~~members thereof. If there is no chairman, or if the chairman does not call a meeting within three~~
27 ~~days after receiving a written request or requests from two members, any three members of the~~
28 ~~Board shall have power to call a meeting of the Board, and any duties imposed or powers~~
29 ~~conferred on the Board by this Chapter may be performed or exercised at that meeting, although~~
30 ~~the time for performing or exercising the same prescribed by this Chapter may have expired.~~

31 (b) ~~Place of Meeting. — Except as provided in subsection (c), below, the State Board of~~
32 ~~Elections shall meet in its offices in the City of Raleigh, or at another place in Raleigh to be~~
33 ~~designated by the chairman. However, subject to the limitation imposed by subsection (c), below,~~
34 ~~upon the prior written request of any four-six members, the State Board of Elections shall meet at~~
35 ~~any other place in the State designated by the four-six members.~~

36 (c) ~~Meetings to Investigate Alleged Violations of This Chapter. — When called upon to~~
37 ~~investigate or hear sworn alleged violations of this Chapter, the State Board of Elections shall~~
38 ~~meet and hear the matter in the county in which the violations are alleged to have occurred.~~

39 (d) ~~Quorum.—A majority of the members constitutes a quorum for the transaction of~~
40 ~~business by the State Board of Elections. If any member of the Board fails to attend a meeting, and~~
41 ~~by reason thereof there is no quorum, the members present shall adjourn from day to day for not~~
42 ~~more than three days, by the end of which time, if there is no quorum, the Governor may~~
43 ~~summarily remove any member failing to attend and appoint his successor.~~

44 (e) ~~Minutes. — The State Board of Elections shall keep minutes recording all proceedings~~
45 ~~and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept~~
46 ~~in the office of the Board in Raleigh."~~

47 **SECTION 5.(c)** G.S. 163-21 is repealed.

48 **SECTION 5.(d)** G.S. 163-23 is repealed.

49 **SECTION 5.(e)** G.S. 163-26 is repealed.

50 **SECTION 5.(f)** G.S. 163-27 is repealed.

51 **SECTION 5.(g)** G.S. 163-28 is repealed.

1 SECTION 5.(h) G.S. 163-30 reads as rewritten:

2 "§ 163-30. County boards of elections; appointments; terms of office; qualifications;
3 vacancies; oath of office; instructional meetings.

4 In every county of the State there shall be a county board of elections, to consist of ~~three~~ four
5 persons of good moral character who are registered voters in the county in which they are to act.
6 Two of the members of the county board of elections shall be of the political party with the
7 highest number of registered affiliates and two shall be of the political party with the second
8 highest number of registered affiliates, as reflected by the latest registration statistics published by
9 the State Board. In 2017, members of county boards of elections shall be appointed by the State
10 Board on the second Tuesday in July. ~~Members~~ In 2019, members of county boards of elections
11 shall be appointed by the State Board of Elections on the last Tuesday in June 1985, and every two
12 years thereafter, and their terms of office shall continue for two years from the specified date of
13 appointment and until their successors are appointed and qualified. ~~Not more than two members of~~
14 the county board of elections shall belong to the same political party.

15 No person shall be eligible to serve as a member of a county board of elections who holds any
16 elective office under the government of the United States, or of the State of North Carolina or any
17 political subdivision thereof.

18 No person who holds any office in a state, congressional district, county or precinct political
19 party or organization, or who is a campaign manager or treasurer of any candidate or political
20 party in a primary or election, shall be eligible to serve as a member of a county board of
21 elections, provided however that the position of delegate to a political party convention shall not
22 be considered an office for the purpose of this section.

23 No person shall be eligible to serve as a member of a county board of elections who is a
24 candidate for nomination or election.

25 No person shall be eligible to serve as a member of a county board of elections who is the
26 wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father,
27 father-in-law, sister, sister-in-law, brother, brother-in-law, aunt, uncle, niece, or nephew of any
28 candidate for nomination or election. Upon any member of the board of elections becoming
29 ineligible, that member's seat shall be declared vacant. This paragraph only applies if the county
30 board of elections is conducting the election for which the relative is a candidate.

31 The State ~~chairman~~ chair of each political party shall have the right to recommend to the State
32 Board of Elections ~~three~~ registered voters in each county for appointment to the board of elections
33 for that county. If such recommendations are received by the Board 15 or more days before the
34 last Tuesday in June ~~1985~~, 2017, and each two years thereafter, it shall be the duty of the State
35 Board of Elections ~~to~~ appoint the county boards from the names thus recommended.

36 Whenever a vacancy occurs in the membership of a county board of elections for any cause the
37 State ~~chairman~~ chair of the political party of the vacating member shall have the right to
38 recommend two registered voters of the affected county for such office, and it shall be the duty of
39 the State Board of Elections ~~to~~ fill the vacancy from the names thus recommended.

40 At the meeting of the county board of elections required by G.S. 163-31 to be held on Tuesday
41 following the third Monday in July in the year of their appointment the members shall take the
42 following oath of office:

43 "I, _____, do solemnly swear (or affirm) that I will support the
44 Constitution of the United States; that I will be faithful and bear true allegiance to
45 the State of North Carolina and to the constitutional powers and authorities which
46 are or may be established for the government thereof; that I will endeavor to
47 support, maintain and defend the Constitution of said State, not inconsistent with
48 the Constitution of the United States; and that I will well and truly execute the
49 duties of the office of member of the _____ County Board of Elections to the
50 best of my knowledge and ability, according to law; so help me God."

1 At the first meeting in July annually, the county boards shall organize by electing one of its
2 members chair and one of its members vice-chair, each to serve a one-year term as such. In the
3 odd-numbered year, the chair shall be a member of the political party with the highest number of
4 registered affiliates, as reflected by the latest registration statistics published by the State Board,
5 and the vice-chair a member of the political party with the second highest number of registered
6 affiliates. In the even-numbered year, the chair shall be a member of the political party with the
7 second highest number of registered affiliates, as reflected by the latest registration statistics
8 published by the State Board, and the vice-chair a member of the political party with the highest
9 number of registered affiliates.

10 Each member of the county board of elections shall attend each instructional meeting held
11 pursuant to G.S. 163-46, unless excused for good cause by the ~~chairman~~ chair of the board, and
12 shall be paid the sum of twenty-five dollars (\$25.00) per day for attending each of those
13 meetings."

14 **SECTION 5.(i)** G.S. 163-31 reads as rewritten:

15 **"§ 163-31. Meetings of county boards of elections; quorum; majority; minutes.**

16 In each county of the State the members of the county board of elections shall meet at the
17 courthouse or board office at noon on the Tuesday following the third Monday in July in the year
18 of their appointment by the State Board of Elections and, after taking the oath of office provided in
19 G.S. 163-30, they shall organize by electing one member ~~chairman~~ chair and another member
20 secretary of the county board of elections. On the Tuesday following the third Monday in August
21 of the year in which they are appointed the county board of elections shall meet and appoint
22 precinct chief judges and judges of elections. The board may hold other meetings at such times as
23 the ~~chairman~~ chair of the board, or any ~~two~~ three members thereof, may direct, for the
24 performance of duties prescribed by law. ~~A majority of the~~ Three members shall constitute a
25 quorum for the transaction of board business. Except where required by law to act unanimously, a
26 majority vote for action of the board shall require three of the four members. The ~~chairman~~ chair
27 shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

28 The county board of elections shall keep minutes recording all proceedings and findings at
29 each of its meetings. The minutes shall be recorded in a book which shall be kept in the board
30 office and it shall be the responsibility of the secretary, elected by the board, to keep the required
31 minute book current and accurate. The secretary of the board may designate the director of
32 elections to record and maintain the minutes under his or her supervision."

33 **SECTION 5.(j)** G.S. 163-182.13 reads as rewritten:

34 **"§ 163-182.13. New elections.**

35 (a) When State Board May Order New Election. – The State Board ~~of Elections~~ may order
36 a new election, upon agreement of at least ~~four~~ six of its members, in the case of any one or more
37 of the following:

- 38 (1) Ineligible voters sufficient in number to change the outcome of the election
39 were allowed to vote in the election, and it is not possible from examination of
40 the official ballots to determine how those ineligible voters voted and to correct
41 the totals.
- 42 (2) Eligible voters sufficient in number to change the outcome of the election were
43 improperly prevented from voting.
- 44 (3) Other irregularities affected a sufficient number of votes to change the outcome
45 of the election.
- 46 (4) Irregularities or improprieties occurred to such an extent that they taint the
47 results of the entire election and cast doubt on its fairness.

48 (b) State Board to Set Procedures. – The State Board ~~of Elections~~ shall determine when a
49 new election shall be held and shall set the schedule for publication of the notice, preparation of
50 absentee official ballots, and the other actions necessary to conduct the election.

1 (c) Eligibility to Vote in New Election. – Eligibility to vote in the new election shall be
2 determined by the voter's eligibility at the time of the new election, except that in a primary, no
3 person who voted in the initial primary of one party shall vote in the new election in the primary
4 of another party. The State Board of Elections shall ~~promulgate~~ adopt rules to effect the provisions
5 of this subsection.

6 (d) Jurisdiction in Which New Election Held. – The new election shall be held in the entire
7 jurisdiction in which the original election was held.

8 (e) Which Candidates to Be on Official Ballot. – All the candidates who were listed on the
9 official ballot in the original election shall be listed in the same order on the official ballot for the
10 new election, except in either of the following:

11 (1) If a candidate dies or otherwise becomes ineligible between the time of the
12 original election and the new election, that candidate may be replaced in the
13 same manner as if the vacancy occurred before the original election.

14 (2) If the election is for a multiseat office, and the irregularities could not have
15 affected the election of one or more of the candidates, the new election, upon
16 agreement of at least ~~four~~ six members of the State Board, may be held among
17 only those candidates whose election could have been affected by the
18 irregularities.

19 (f) Tie Votes. – If ineligible voters voted in an election and it is possible to determine from
20 the official ballots the way in which those votes were cast and to correct the results, and
21 consequently the election ends in a tie, the provisions of G.S. 163-182.8 concerning tie votes shall
22 apply."

23 **SECTION 5.(k)** G.S. 163-278.22(7) reads as rewritten:

24 "(7) To make investigations to the extent the State Board deems necessary with
25 respect to statements filed under the provisions of this Article and with respect
26 to alleged failures to file any statement required under the provisions of this
27 Article or Article 22M of the General Statutes and, upon complaint under oath
28 by any registered voter, with respect to alleged violations of any part of this
29 Article or Article 22M of the General Statutes. The State Board shall conclude
30 all investigations no later than one year from the date of the start of the
31 investigation, unless the State Board has reported an apparent violation to the
32 proper district attorney and additional investigation of the apparent violation is
33 deemed necessary by the State Board."

34 **SECTION 6.** G.S. 120-70.141 reads as rewritten:

35 "**§ 120-70.141. Purpose and powers of Committee.**

36 (a) The Joint Legislative Elections Oversight Committee shall examine, on a continuing
37 basis, election administration and campaign finance regulation in North Carolina, in order to make
38 ongoing recommendations to the General Assembly on ways to improve elections administration
39 and campaign finance regulation. In this examination, the Committee shall do the following:

40 (1) Study the budgets, programs, and policies of the Bipartisan State Board of
41 Elections and Ethics Enforcement and the county boards of elections to
42 determine ways in which the General Assembly may improve election
43 ~~administration and campaign finance regulation.~~ administration.

44 (1a) Study the budgets, programs, and policies of the Bipartisan State Board of
45 Elections and Ethics Enforcement and the county boards of elections to
46 determine ways in which the General Assembly may improve campaign finance
47 regulation.

48 (2) Examine election statutes and court decisions to determine any legislative
49 changes that are needed to improve election administration and campaign
50 finance regulation.

1 (3) Study other states' initiatives in election administration and campaign finance
2 regulation to provide an ongoing commentary to the General Assembly on these
3 initiatives and to make recommendations for implementing similar initiatives in
4 North Carolina; and

5 (4) Study any other election matters that the Committee considers necessary to
6 fulfill its mandate.

7 (b) The Committee may make interim reports to the General Assembly on matters for
8 which it may report to a regular session of the General Assembly. A report to the General
9 Assembly may contain any legislation needed to implement a recommendation of the Committee."

10 **SECTION 7.** Any previous assignment of duties of a quasi-legislative or
11 quasi-judicial nature by the Governor or General Assembly to the agencies or functions transferred
12 by this act shall have continued validity with the transfer under this act. Except as otherwise
13 specifically provided in this act, each enumerated commission, board, or other function of State
14 government transferred to the Bipartisan State Board of Elections and Ethics Enforcement, as
15 created in this act, is a continuation of the former entity for purposes of succession to all the rights,
16 powers, duties, and obligations of the former. Where the former entities are referred to by law,
17 contract, or other document in their former name, the Bipartisan State Board of Elections and
18 Ethics Enforcement, as created in this act, is charged with exercising the functions of the former
19 named entity.

20 **SECTION 8.** No action or proceeding pending on January 1, 2017, brought by or
21 against the State Board of Elections, the State Ethics Commission, or the Secretary of State
22 regarding the lobbyist registration and lobbying enforcement of the Secretary of State shall be
23 affected by any provision of this act, but the same may be prosecuted or defended in the name of
24 the Bipartisan State Board of Elections and Ethics Enforcement, as created in this act. In these
25 actions and proceedings, the Bipartisan State Board of Elections and Ethics Enforcement or its
26 Executive Director, as appropriate, shall be substituted as a party upon proper application to the
27 courts or other administrative or quasi-judicial bodies.

28 Any business or other matter undertaken or commanded by any State program or office
29 or contract transferred by this act to the Bipartisan State Board of Elections and Ethics
30 Enforcement pertaining to or connected with the functions, powers, obligations, and duties set
31 forth herein, which is pending on January 1, 2017, may be conducted and completed by the
32 Bipartisan State Board of Elections and Ethics Enforcement in the same manner and under the
33 same terms and conditions and with the same effect as if conducted and completed by the original
34 program, office, or commissioners or directors thereof.

35 **SECTION 9.** The consolidation provided for under this act shall not affect any
36 ongoing investigation or audit. Any ongoing hearing or other proceeding before the State Ethics
37 Commission or State Board of Elections on January 1, 2017, shall be transferred to the Bipartisan
38 State Board of Elections and Ethics Enforcement, as created by this act, on January 1, 2017.
39 Prosecutions for offenses or violations committed before January 1, 2017, are not abated or
40 affected by this act, and the statutes that would be applicable but for this act remain applicable to
41 those prosecutions.

42 **SECTION 10.** Rules adopted by the State Ethics Commission, Secretary of State
43 related to lobbying, and the State Board of Elections shall remain in effect as provided in
44 G.S. 150B-21.7. Policies, procedures, and guidance shall remain in effect until amended or
45 repealed by the Bipartisan State Board of Elections and Ethics Enforcement. The list of covered
46 boards adopted by the State Ethics Commission under G.S. 138A-11 as of December 31, 2016,
47 shall continue in effect until amended or repealed by the Bipartisan State Board of Elections and
48 Ethics Enforcement.

49 **SECTION 11.** Any evaluation of a statement of economic interest issued by the State
50 Ethics Commission pursuant to Article 3 of Chapter 138A of the General Statutes in 2016 shall

1 remain in effect until amended or repealed by the Bipartisan State Board of Elections and Ethics
2 Enforcement.

3 **SECTION 12.** The authority, powers, duties and functions, records, personnel,
4 property, and unexpended balances of appropriations, allocations, or other funds, including the
5 functions of budgeting and purchasing, of the State Ethics Commission are transferred to the
6 Bipartisan State Board of Elections and Ethics Enforcement, as created in Part I of this act. The
7 authority, powers, duties and functions, records, personnel, property, and unexpended balances of
8 appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of
9 the State Board of Elections are transferred to the Bipartisan State Board of Elections and Ethics
10 Enforcement, as created in Part I of this act. The authority, powers, duties and functions, records,
11 personnel, property, and unexpended balances of appropriations, allocations, or other funds,
12 including the functions of budgeting and purchasing, of the lobbying registration and lobbying
13 enforcement functions of the Secretary of State are transferred to the Bipartisan State Board of
14 Elections and Ethics Enforcement, as created in Part I of this act. The Director of the Budget shall
15 resolve any disputes arising out of this transfer.

16 **SECTION 13.** The members of the State Ethics Commission serving on December
17 31, 2016, shall constitute and serve as the Bipartisan State Board of Elections and Ethics
18 Enforcement, as constituted and authorized by this act until June 30, 2017. The chair and
19 vice-chair of the State Ethics Commission serving on December 31, 2016, shall continue to serve
20 as the chair and vice-chair of Bipartisan State Board of Elections and Ethics Enforcement, as
21 constituted and authorized by this act until June 30, 2017. Notwithstanding G.S. 138B-2, members
22 of the Bipartisan State Board of Elections and Ethics Enforcement appointed by the Governor and
23 General Assembly in 2017 shall take office July 1, 2017.

24 **SECTION 14.** Until such time as the Bipartisan State Board of Elections and Ethics
25 Enforcement appointed in 2017 appoints an Executive Director, the Executive Director of the
26 State Board of Elections under G.S. 163-26, as of December 31, 2016, shall be acting Executive
27 Director.

28 **SECTION 15.** The appropriations and resources of the State Ethics Commission is
29 transferred to the Bipartisan State Board of Elections and Ethics Enforcement, and the transfer
30 shall have all the elements of a Type I transfer under G.S. 143A-6.

31 **SECTION 16.** The appropriations and resources of the State Board of Elections,
32 including any office space of the State Board of Elections, is transferred to the Bipartisan State
33 Board of Elections and Ethics Enforcement, and the transfer shall have all the elements of a Type I
34 transfer under G.S. 143A-6, with the Budget Code for the newly established State Board being the
35 previous State Board of Elections budget code of 18025.

36 **SECTION 17.** The appropriations and resources of the lobbying registration and
37 lobbying enforcement functions of the Secretary of State are transferred to the Bipartisan State
38 Board of Elections and Ethics Enforcement, and the transfers shall have all the elements of a Type
39 I transfer under G.S. 143A-6. Specifically, the following positions shall be transferred: Lobbying
40 Compliance Director (Position 60008800), Law Enforcement Agent (Position 60008806),
41 Administrative Assistant II (Position 60008801), Administrative Assistant II (Position 60008802),
42 and Administrative Assistant II (Position 60008803).

43 **SECTION 18.** The Bipartisan State Board of Elections and Ethics Enforcement shall
44 report to the Joint Legislative Commission on Governmental Operations, Joint Legislative
45 Elections Oversight Committee, and the Legislative Ethics Committee on or before April 1, 2018,
46 and again on or before March 1, 2019, as to recommendations for statutory changes necessary to
47 further implement this consolidation.

48 **SECTION 19.** Notwithstanding the recodification in Section 1 of this Part, the
49 Bipartisan State Board of Elections and Ethics Enforcement shall not administer or enforce Part 1,
50 Part 3, or Part 6 of Article 8 of Chapter 138B of the General Statutes, and the Secretary of State
51 shall maintain the authority to administer and enforce Articles 2, 4, and 8 of Chapter 120C of the

1 General Statutes, as those Articles existed on January 1, 2017, until October 1, 2017. Section 17 of
2 this Part becomes effective October 1, 2017. G.S. 163-30, as amended by Section 5(h) of this Part
3 and G.S. 163-31, as amended by Section 5(i) of this Part, becomes effective July 1, 2017.
4 G.S. 163-278.22(7), as amended by Section 5(k) of this Part, becomes effective January 1, 2017,
5 and applies to investigations initiated on or after that date. Except as otherwise provided, this Part
6 becomes effective January 1, 2017.

8 PART II. CLARIFY LEGISLATIVE AUTHORITY TO APPORTION DISTRICTS

9 SECTION 20.(a) G.S. 120-2.4 reads as rewritten:

10 "§ 120-2.4. Opportunity for General Assembly to remedy defects.

11 (a) If the General Assembly enacts a plan apportioning or redistricting State legislative or
12 congressional districts, in no event may a court impose its own substitute plan unless the court first
13 gives the General Assembly a period of time to remedy any defects identified by the court in its
14 findings of fact and conclusions of law. That period of time shall not be less than two weeks. In
15 the event the General Assembly does not act to remedy any identified defects to its plan within
16 that period of time, the court may impose an interim districting plan for use in the next general
17 election only, but that interim districting plan may differ from the districting plan enacted by the
18 General Assembly only to the extent necessary to remedy any defects identified by the court.

19 (b) Notwithstanding any other provision of law or authority of the State Board of Elections
20 under Chapter 163 of the General Statutes, the State Board of Elections shall have no authority to
21 alter, amend, correct, impose, or substitute any plan apportioning or redistricting State legislative
22 or congressional districts other than a plan imposed by a court under this section or a plan enacted
23 by the General Assembly."

24 SECTION 20.(b) G.S. 163-22 is amended by adding two new subsections to read:

25 (r) Nothing in this Chapter shall grant authority to the State Board of Elections to alter,
26 amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or
27 congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted
28 by the General Assembly.

29 (s) Nothing in this Chapter shall grant authority to the State Board of Elections to alter,
30 amend, correct, impose, or substitute any plan apportioning or redistricting districts for a unit of
31 local government other than a plan imposed by a court, a plan enacted by the General Assembly,
32 or a plan adopted by the appropriate unit of local government under statutory or local act
33 authority."

34 SECTION 20.(c) G.S. 163-33 is amended by adding two new subdivisions to read:

35 (15) Nothing in this Chapter shall grant authority to county boards of elections to
36 alter, amend, correct, impose, or substitute any plan apportioning or
37 redistricting State legislative or congressional districts other than a plan
38 imposed by a court under G.S. 120-2.4 or a plan enacted by the General
39 Assembly.

40 (16) Nothing in this Chapter shall grant authority to county boards of elections to
41 alter, amend, correct, impose, or substitute any plan apportioning or
42 redistricting districts for a unit of local government other than a plan imposed
43 by a court, a plan enacted by the General Assembly, or a plan adopted by the
44 appropriate unit of local government under statutory or local act authority."

45 SECTION 20.(d) G.S. 163-27.1 reads as rewritten:

46 "§ 163-27.1. Emergency powers.

47 (a) The Executive Director, as chief State elections official, may exercise emergency
48 powers to conduct an election in a district where the normal schedule for the election is disrupted
49 by any of the following:

- 50 (1) A natural disaster.
- 51 (2) Extremely inclement weather.

(3) An armed conflict involving Armed Forces of the United States, or mobilization of those forces, including North Carolina National Guard and reserve components of the Armed Forces of the United States.

In exercising those emergency powers, the Executive Director shall avoid unnecessary conflict with the provisions of this Chapter. The Executive Director shall adopt rules describing the emergency powers and the situations in which the emergency powers will be exercised.

(b) Nothing in this Chapter shall grant authority to the State Board of Elections to alter, amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted by the General Assembly.

(c) Nothing in this Chapter shall grant authority to the State Board of Elections to alter, amend, correct, impose, or substitute any plan apportioning or redistricting districts for a unit of local government other than a plan imposed by a court, a plan enacted by the General Assembly, or a plan adopted by the appropriate unit of local government under statutory or local act authority."

PART III. PARTISAN APPELLATE COURT ELECTIONS

SECTION 21.(a) G.S. 163-106 reads as rewritten:

"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.

...

(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

Governor

Lieutenant Governor

All State executive officers

Justices of the Supreme Court

Judges of the Court of Appeals

United States Senators

Members of the House of Representatives of the United States

District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

State Senators

Members of the State House of Representatives

All county offices.

(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which ~~he~~the candidate seeks nomination. Votes cast for a candidate shall be effective only for ~~his~~his-nomination to the vacancy for which ~~he~~the candidate has given notice of candidacy as provided in this subsection.

..."

SECTION 21.(b) G.S. 163-107(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which ~~he~~the candidate files under the provisions of G.S. 163-106 a filing fee for the office ~~he seeks~~sought in the amount specified in the following tabulation:

| Office Sought | Amount of Filing Fee |
|--|--|
| Governor | One percent (1%) of the annual salary of the office sought |
| Lieutenant Governor | One percent (1%) of the annual salary of the office sought |
| All State executive offices | One percent (1%) of the annual salary of the office sought |
| All <u>Justices of the Supreme Court, Judges of the Court of Appeals, and District Attorneys of the General Court of Justice</u> | One percent (1%) of the annual salary of the office sought |
| United States Senator | One percent (1%) of the annual salary of the office sought |
| Members of the United States House of Representatives | One percent (1%) of the annual salary of the office sought |
| State Senator | One percent (1%) of the annual salary of the office sought |
| Member of the State House of Representatives | One percent (1%) of the annual salary of the office sought |
| All county offices not compensated by fees | One percent (1%) of the annual salary of the office sought |
| All county offices compensated partly by salary and partly by fees | One percent (1%) of the first annual salary to be received (exclusive of fees) |

The salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year."

SECTION 21.(c) G.S. 163-107.1(b) reads as rewritten:

"(b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant Governor, ~~or~~ any State executive officer, Justice of the Supreme Court, or Judge of the Court of Appeals, the petition must be signed by 10,000 registered voters who are members of the political party in whose primary the candidate desires to run, except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making nominations by primary election, the petition must be signed by five percent (5%) of the registered voters of the State who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 8,000 registered voters regardless of the voter's political party affiliation, whichever requirement is greater. The petition must be filed with the State Board of Elections not later than 12:00 noon on Monday preceding the filing deadline before the primary in which he seeks to run. The names on the petition shall be verified by the board of elections of the county where the signer is registered, and the petition must be presented to the county board of elections at least 15 days before the petition is due to be filed with the State Board of Elections. When a proper petition has been filed, the candidate's name shall be printed on the primary ballot."

SECTION 21.(d) G.S. 163-111(c)(1) reads as rewritten:

"(1) A candidate who is apparently entitled to demand a second primary, according to the unofficial results, for one of the offices listed below, and desiring to do so, shall file a request for a second primary in writing with the Executive Director of the State Board of Elections no later than 12:00 noon on the ninth day (including Saturdays and Sundays) following the date on which the primary was conducted, and such request shall be subject to the certification of the official results by the State Board of Elections. If the vote certification by the

1 State Board of Elections determines that a candidate who was not originally
 2 thought to be eligible to call for a second primary is in fact eligible to call for a
 3 second primary, the Executive Director of the State Board of Elections shall
 4 immediately notify such candidate and permit ~~him~~ the candidate to exercise any
 5 options available to ~~him~~ the candidate within a 48-hour period following the
 6 notification:

- 7 Governor,
- 8 Lieutenant Governor,
- 9 All State executive officers,
- 10 Justices of the Supreme Court, Judges of the Court of Appeals, or
- 11 District Attorneys of the General Court of Justice,
- 12 United States Senators,
- 13 Members of the United States House of Representatives,
- 14 State Senators in multi-county senatorial districts, and
- 15 Members of the State House of Representatives in multi-county
- 16 representative districts."

17 **SECTION 21.(e)** Subchapter X of Chapter 163 of the General Statutes reads as
 18 rewritten:

19 **"SUBCHAPTER X. ELECTION OF APPELLATE, SUPERIOR, SUPERIOR AND**
 20 **DISTRICT COURT JUDGES.**

21 "Article 25.

22 "Nomination and Election of ~~Appellate, Superior, Superior~~ and District Court Judges.

23 **"§ 163-321. Applicability.**

24 The nomination and election of ~~justices of the Supreme Court, judges of the Court of Appeals,~~
 25 ~~and~~ superior and district court judges of the General Court of Justice shall be as provided by this
 26 Article.

27 ...

28 **"§ 163-323. Notice of candidacy.**

29 ...

30 (b) Time for Filing Notice of Candidacy. – Candidates seeking election to the following
 31 offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00
 32 noon on the second Monday in February and no later than 12:00 noon on the last business day in
 33 February preceding the election:

- 34 ~~Justices of the Supreme Court.~~
- 35 ~~Judges of the Court of Appeals.~~
- 36 Judges of the superior courts.
- 37 Judges of the district courts.

38 ...

39 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any election in
 40 which there are two or more vacancies for the office of ~~justice of the Supreme Court, judge of the~~
 41 ~~Court of Appeals, or~~ district court judge to be filled by nominations, each candidate shall, at the
 42 time of filing notice of candidacy, file with the State Board of Elections a written statement
 43 designating the vacancy to which the candidate seeks election. Votes cast for a candidate shall be
 44 effective only for election to the vacancy for which the candidate has given notice of candidacy as
 45 provided in this subsection.

46 A person seeking election for a specialized district judgeship established under G.S. 7A-147
 47 shall, at the time of filing notice of candidacy, file with the State Board of Elections a written
 48 statement designating the specialized judgeship to which the person seeks nomination.

49 ...

50 **"§ 163-325. Petition in lieu of payment of filing fee.**

51 ...

1 (b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking the office of
2 ~~justice of the Supreme Court, judge of the Court of Appeals, or superior or district court judge,~~
3 that individual shall file a written petition with the State Board of Elections no later than 12:00
4 noon on Monday preceding the filing deadline before the primary. ~~If the office is justice of the~~
5 ~~Supreme Court or judge of the Court of Appeals, the petition shall be signed by 8,000 registered~~
6 ~~voters in the State. If the office is superior court or district court judge, the~~ The petition shall be
7 signed by five percent (5%) of the registered voters of the election area in which ~~the office will be~~
8 ~~voted for. the registered voters will vote for the office.~~ The board of elections shall verify the
9 names on the petition, and if the petition and notice of candidacy are found to be sufficient, the
10 candidate's name shall be printed on the appropriate ballot. Petitions must be presented to the
11 county board of elections for verification at least 15 days before the petition is due to be filed with
12 the State Board of Elections. The State Board of Elections may adopt rules to implement this
13 section and to provide standard petition forms.

14 **"§ 163-326. Certification of notices of candidacy.**

15 ...

16 (b) Notification of Local Boards. – No later than 10 days after the time for filing notices of
17 candidacy under the provisions of G.S. 163-323(b) has expired, the chairman of the State Board of
18 Elections shall certify to the chairman of the county board of elections in each county in the
19 appropriate district the names of candidates for nomination to the offices of ~~justice of the Supreme~~
20 ~~Court, judge of the Court of Appeals, and superior and district court judge~~ who have filed the
21 required notice and paid the required filing fee or presented the required petition to the State Board
22 of Elections, so that their names may be printed on the official judicial ballot for ~~justice of the~~
23 ~~Supreme Court, judge of the Court of Appeals, and superior and district court.~~

24 ...

25 **"§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

26 (a) General. – If a vacancy is created in the office of ~~justice of the Supreme Court, judge of~~
27 ~~the Court of Appeals, or judge of superior court~~ after the filing period for the primary opens but
28 more than 60 days before the general election, and under the Constitution of North Carolina an
29 election is to be held for that position, such that the office shall be filled in the general election as
30 provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be
31 conducted without a primary using the method provided in subsection (b1) of this section. If a
32 vacancy is created in the office of ~~justice of the Supreme Court, judge of the Court of Appeals, or~~
33 ~~judge of superior court~~ before the filing period for the primary opens, and under the Constitution
34 of North Carolina an election is to be held for that position, such that the office shall be filled in
35 the general election as provided in G.S. 163-9, the election to fill the office for the remainder of
36 the term shall be conducted in accordance with G.S. 163-322.

37 (b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and applicable
38 to vacancies occurring on or after that date.

39 (b1) Method for Vacancy Election. – If a vacancy for the office of ~~justice of the Supreme~~
40 ~~Court, judge of the Court of Appeals, or judge of the superior court~~ occurs more than 60 days
41 before the general election and after the opening of the filing period for the primary, then the State
42 Board of Elections shall designate a special filing period of one week for candidates for the office.
43 If more than two candidates file and qualify for the office in accordance with G.S. 163-323, then
44 the Board shall conduct the election for the office as follows:

- 45 (1) When the vacancy described in this section occurs more than 63 days before the
46 date of the second primary for members of the General Assembly, a special
47 primary shall be held on the same day as the second primary. The two
48 candidates with the most votes in the special primary shall have their names
49 placed on the ballot for the general election held on the same day as the general
50 election for members of the General Assembly.

(2) When the vacancy described in this section occurs less than 64 days before the date of the second primary, a general election for all the candidates shall be held on the same day as the general election for members of the General Assembly and the results shall be determined on a plurality basis as provided by G.S. 163-292.

(3) Repealed by Session Laws 2013-381, s. 51.1, effective January 1, 2014.

(c) Applicable Provisions. – Except as provided in this section, the provisions of this Article apply to elections conducted under this section.

(d) Rules. – The State Board of Elections shall adopt rules for the implementation of this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes. The rules shall include the following:

- (1) If after the first-choice candidate is eliminated, a ballot does not indicate one of the uneliminated candidates as an alternative choice, the ballot is exhausted and shall not be counted after the initial round.
- (2) The fact that the voter does not designate a second or third choice does not invalidate the voter's higher choice or choices.
- (3) The fact that the voter gives more than one ranking to the same candidate shall not invalidate the vote. The highest ranking given a particular candidate shall count as long as the candidate is not eliminated.
- (4) In case of a tie between candidates such that two or more candidates have an equal number of first choices and more than two candidates qualify for the second round, instant runoff voting shall be used to determine which two candidates shall advance to the second round.

...
"§ 163-332. Ballots.

(b) Ballots to Be Furnished by County Board of Elections. – It shall be the duty of the county board of elections to print official ballots for the following offices to be voted for in the primary:

- ~~Justice of the Supreme Court.~~
- ~~Judge of the Court of Appeals.~~
- Superior court judge.
- District court judge.

In printing ballots, the county board of elections shall be governed by instructions of the State Board of Elections with regard to width, color, kind of paper, form, and size of type.

Three days before the election, the chairman of the county board of elections shall distribute official ballots to the chief judge of each precinct in his county, and the chief judge shall give a receipt for the ballots received. On the day of the primary, it shall be the chief judge's duty to have all the ballots so delivered available for use at the precinct voting place.

...."

SECTION 21.(f) G.S. 163-323(h) is repealed.

SECTION 21.(g) G.S. 163-165.5(a)(4) reads as rewritten:

"(4) Party designations in partisan ballot ~~items and in nonpartisan ballot items as required by G.S. 163-323(h).items.~~"

SECTION 21.(h) This Part becomes effective January 1, 2018, and applies to primaries and elections held on or after that date.

PART IV. MODIFY APPELLATE REVIEW OF CERTAIN CASES

SECTION 22.(a) G.S. 7A-16 reads as rewritten:

"§ 7A-16. Creation and organization.

1 The Court of Appeals is created effective January 1, 1967. It shall consist initially of six
2 judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the
3 Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the
4 pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of
5 Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

6 The Governor on or after July 1, 1967, shall make temporary appointments to the six initial
7 judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at
8 the general election for members of the General Assembly in November, 1968, and shall take
9 office on January 1, 1969, to serve for the remainder of the unexpired term which began on
10 January 1, 1967.

11 Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is
12 authorized to convene, organize, and promulgate, subject to the approval of the Supreme Court,
13 such supplementary rules as it deems necessary and appropriate for the discharge of the judicial
14 business lawfully assigned to it.

15 Effective January 1, 1969, the number of judges is increased to nine, and the Governor, on or
16 after March 1, 1969, shall make temporary appointments to the additional judgeships thus created.
17 The appointees shall serve until January 1, 1971. Their successors shall be elected at the general
18 election for members of the General Assembly in November, 1970, and shall take office on
19 January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

20 Effective January 1, 1977, the number of judges is increased to 12; and the Governor, on or
21 after July 1, 1977, shall make temporary appointments to the additional judgeships thus created.
22 The appointees shall serve until January 1, 1979. Their successors shall be elected at the general
23 election for members of the General Assembly in November, 1978, and shall take office on
24 January 1, 1979, to serve the remainder of the unexpired term which began on January 1, 1977.

25 On or after December 15, 2000, the Governor shall appoint three additional judges to increase
26 the number of judges to 15.

27 The Court of Appeals shall sit in panels of three judges ~~each~~ each and may also sit en banc to
28 hear or rehear any cause upon a vote of the majority of the judges of the court. The Chief Judge
29 insofar as practicable shall assign the members to panels in such fashion that each member sits a
30 substantially equal number of times with each other ~~member~~ member, shall preside ~~over the~~
31 panel of which he is a member, when a member of a panel, and shall designate the presiding judge
32 of the other panel or panels.

33 ~~Three judges shall constitute a quorum for the transaction of the business of the court, except~~
34 ~~as may be provided in G.S. 7A-32.~~ Except as may be provided in G.S. 7A-32, three judges shall
35 constitute a quorum for the transaction of the business of the court when sitting in panels of three
36 judges, and a majority of the then sitting judges on the Court of Appeals shall constitute a quorum
37 for the transaction of the business of the court when sitting en banc.

38 In the event the Chief Judge is unable, on account of absence or temporary incapacity, to
39 perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an acting Chief
40 Judge from the other judges of the Court, to temporarily discharge the duties of Chief Judge."

41 **SECTION 22.(b)** G.S. 7A-27 reads as rewritten:

42 "**§ 7A-27. Appeals of right from the courts of the trial divisions.**

43 (a) Appeal lies of right directly to the Supreme Court in any of the following cases:

- 44 (1) All cases in which the defendant is convicted of murder in the first degree and
45 the judgment of the superior court includes a sentence of death.
- 46 (2) From any final judgment in a case designated as a mandatory complex business
47 case pursuant to G.S. 7A-45.4 or designated as a discretionary complex
48 business case pursuant to Rule 2.1 of the General Rules of Practice for the
49 Superior and District Courts.
- 50 (3) From any interlocutory order of a Business Court Judge that does any of the
51 following:

- 1 a. Affects a substantial right.
- 2 b. In effect determines the action and prevents a judgment from which an
- 3 appeal might be taken.
- 4 c. Discontinues the action.
- 5 d. Grants or refuses a new trial.

6 ~~(a1) Appeal lies of right directly to the Supreme Court from any order or judgment of a~~
 7 ~~court, either final or interlocutory, that holds that an act of the General Assembly is facially invalid~~
 8 ~~on the basis that the act violates the North Carolina Constitution or federal law. Nothing in this~~
 9 ~~subsection shall be deemed to apply to appeals from orders of the trial courts pertaining to~~
 10 ~~criminal proceedings, to proceedings under Chapter 15A of the General Statutes, to proceedings~~
 11 ~~making a collateral attack on any judgment entered in a criminal proceeding, or to appeals from~~
 12 ~~orders of the trial courts pertaining to civil proceedings filed by a taxpayer pursuant to G.S.~~
 13 ~~105-241.17.~~

14 (b) Except as provided in subsection (a) ~~or (a1)~~ of this section, appeal lies of right directly
 15 to the Court of Appeals in any of the following cases:

- 16 (1) From any final judgment of a superior court, other than one based on a plea of
- 17 guilty or nolo contendere, including any final judgment entered upon review of
- 18 a decision of an administrative agency, except for a final judgment entered
- 19 upon review of a court martial under G.S. 127A-62.
- 20 (2) From any final judgment of a district court in a civil action.
- 21 (3) From any interlocutory order or judgment of a superior court or district court in
- 22 a civil action or proceeding that does any of the following:
 - 23 a. Affects a substantial right.
 - 24 b. In effect determines the action and prevents a judgment from which an
 - 25 appeal might be taken.
 - 26 c. Discontinues the action.
 - 27 d. Grants or refuses a new trial.
 - 28 e. Determines a claim prosecuted under G.S. 50-19.1.
 - 29 f. Grants temporary injunctive relief restraining the State or a political
 - 30 subdivision of the State from enforcing the operation or execution of an
 - 31 act of the General Assembly ~~as applied against a party in a civil~~
 32 ~~action.~~ Assembly. This sub-subdivision only applies where the State or a
 - 33 political subdivision of the State is a party in the civil action. ~~This~~
 34 ~~sub-subdivision does not apply to facial challenges to an act's validity~~
 35 ~~heard by a three judge panel pursuant to G.S. 1-267.1.~~
- 36 (4) From any other order or judgment of the superior court from which an appeal is
- 37 authorized by statute.

38 (c) through (e) Repealed by Session Laws 2013-411, s. 1, effective August 23, 2013."

39 **SECTION 22.(c)** G.S. 7A-30 reads as rewritten:

40 **"§ 7A-30. Appeals of right from certain decisions of the Court of Appeals.**

41 Except as provided in G.S. 7A-28, an appeal lies of right to the Supreme Court from any
 42 decision of the Court of Appeals rendered in a case:

- 43 (1) Which directly involves a substantial question arising under the Constitution of
- 44 the United States or of this State, or
- 45 (2) In which there is a dissent, dissent when the Court of Appeals is sitting in a
 46 panel of three judges. An appeal of right pursuant to this subdivision is not
 47 effective until after the Court of Appeals sitting en banc has rendered a decision
 48 in the case, if the Court of Appeals hears the case en banc, or until after the time
 49 for filing a motion for rehearing of the cause by the Court of Appeals has
 50 expired or the Court of Appeals has denied the motion for rehearing."

51 **SECTION 22.(d)** G.S. 7A-31(a) reads as rewritten:

1 "(a) In any cause in which appeal is taken to the Court of ~~Appeals~~, Appeals, including any
 2 cause heard while the Court of Appeals was sitting en banc, except a cause appealed from the
 3 North Carolina Industrial Commission, the North Carolina State Bar pursuant to G.S. 84-28, the
 4 Property Tax Commission pursuant to G.S. 105-345, the Board of State Contract Appeals pursuant
 5 to G.S. 143-135.9, the Commissioner of Insurance pursuant to ~~G.S. 58-2-80~~, G.S. 58-2-80 or
 6 G.S. 58-65-131(c), a court-martial pursuant to G.S. 127A-62, a motion for appropriate relief, or
 7 valuation of exempt property pursuant to G.S. 7A-28, the Supreme Court may, in its discretion, on
 8 motion of any party to the cause or on its own motion, certify the cause for review by the Supreme
 9 Court, either before or after it has been determined by the Court of Appeals. A cause appealed to
 10 the Court of Appeals from any of the administrative bodies listed in the preceding sentence may be
 11 certified in similar fashion, but only after determination of the cause in the Court of Appeals. The
 12 effect of such certification is to transfer the cause from the Court of Appeals to the Supreme Court
 13 for review by the Supreme Court. If the cause is certified for transfer to the Supreme Court before
 14 its determination in the Court of Appeals, review is not had in the Court of Appeals but the cause
 15 is forthwith transferred for review in the first instance by the Supreme Court. If the cause is
 16 certified for transfer to the Supreme Court after its determination by the Court of Appeals, the
 17 Supreme Court reviews the decision of the Court of Appeals.

18 Except in courts-martial and motions within the purview of G.S. 7A-28, the State may move
 19 for certification for review of any criminal cause, but only after determination of the cause by the
 20 Court of Appeals."

21 **SECTION 22.(e)** G.S. 58-65-131(c) reads as rewritten:

22 "(c) Compliance Required in Certain Events. – A corporation governed by this Article shall
 23 comply with the provisions of this section, G.S. 58-65-132, and G.S. 58-65-133 before it may do
 24 any of the following:

25 ...

26 In determining whether the corporation must comply with the provisions of this section,
 27 G.S. 58-65-132, and G.S. 58-65-133, the Commissioner may review and consolidate actions of the
 28 corporation, its subsidiaries, and other legal entities in which the corporation directly or indirectly
 29 owns an interest, and treat the consolidated actions as requiring a conversion. An appeal of the
 30 Commissioner's order that consolidated actions require a conversion shall lie directly to the North
 31 Carolina Court of ~~Appeals~~, ~~provided that any party may petition the North Carolina Supreme~~
 32 ~~Court, pursuant to G.S. 7A-31(b), to certify the case for discretionary review by the Supreme~~
 33 ~~Court prior to determination by the Court of Appeals.~~ Appeals under this subsection must be filed
 34 within 30 days of the Commissioner's order and shall be considered in the most expeditious
 35 manner practical. The corporation must file a plan of conversion within 12 months of the later of
 36 the issuance of the Commissioner's order or a final decision on appeal."

37 **SECTION 22.(f)** G.S. 120-2.5 is repealed.

38 **SECTION 23.(a)** G.S. 1A-1, Rule 42(b)(4) of the Rules of Civil Procedure, reads as
 39 rewritten:

40 "**Rule 42. Consolidation; separate trials.**

41 ...

42 (b) Separate trials. –

43 ...

44 (4) Pursuant to G.S. 1-267.1, any facial challenge to the validity of an act of the
 45 General Assembly, other than a challenge to plans apportioning or redistricting
 46 State legislative or congressional districts, shall be heard by a three-judge panel
 47 in the Superior Court of Wake County if a claimant raises such a challenge in
 48 the claimant's complaint or amended complaint in any court in this State, or if
 49 such a challenge is raised by the defendant in the defendant's answer,
 50 responsive pleading, or within 30 days of filing the defendant's answer or
 51 responsive pleading. In that event, the court shall, on its own motion, transfer

1 that portion of the action challenging the validity of the act of the General
2 Assembly to the Superior Court of Wake County for resolution by a three-judge
3 panel if, after all other matters in the action have been resolved, a determination
4 as to the facial validity of an act of the General Assembly must be made in
5 order to completely resolve any matters in the case. The court in which the
6 action originated shall maintain jurisdiction over all matters other than the
7 challenge to the act's facial ~~validity and validity~~. For a motion filed under Rule
8 11 or Rule 12(b)(1) through (7), the original court shall rule on the motion,
9 however, it may decline to rule on a motion that is based solely upon Rule
10 12(b)(6). If the original court declines to rule on a Rule 12(b)(6) motion, the
11 motion shall be decided by the three-judge panel. The original court shall stay
12 all matters that are contingent upon the outcome of the challenge to the act's
13 facial validity pending a ruling on that challenge and until all appeal rights are
14 exhausted. Once the three-judge panel has ruled and all appeal rights have been
15 exhausted, the matter shall be transferred or remanded to the three-judge panel
16 or the trial court in which the action originated for resolution of any outstanding
17 matters, as appropriate."

18 **SECTION 23.(b)** This section becomes effective February 1, 2017, and applies to
19 motions filed on or after that date.

20 **PART V. MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS**

21 **SECTION 24.(a)** G.S. 97-77 reads as rewritten:

22 **"§ 97-77. North Carolina Industrial Commission created; members appointed by Governor;**
23 **terms of office; chairman.**

24 (a) There is hereby created a commission to be known as the North Carolina Industrial
25 Commission, consisting of six commissioners who shall devote their entire time to the duties of
26 the Commission. The Governor shall appoint the members of the Commission for terms of six
27 years. Three commissioners shall be persons who, on account of their previous vocations,
28 employment or affiliations, can be classed as representatives of employers. Three commissioners
29 shall be persons who, on account of their previous vocations, employment or affiliations, can be
30 classed as representatives of employees. No person may serve more than two terms on the
31 Commission, including any term served prior to the effective date of this section. In calculating
32 the number of terms served, a partial term that is less than three years in length shall not be
33 included.

34 (a1) Appointments of commissioners are subject to confirmation by the General Assembly
35 by joint resolution. The names of commissioners to be appointed by the Governor shall be
36 submitted by the Governor to the General Assembly for confirmation by the General Assembly on
37 or before March 1 of the year of expiration of the term. If the Governor fails to timely submit
38 nominations, the General Assembly shall appoint to fill the succeeding term upon the joint
39 recommendation of the President Pro Tempore of the Senate and the Speaker of the House of
40 Representatives in accordance with G.S. 120-121 not inconsistent with this section.

41 In case of death, incapacity, resignation, or any other vacancy in the office of any
42 commissioner prior to the expiration of the term of office, a nomination to fill the vacancy ~~for the~~
43 ~~remainder of the unexpired term~~ shall be submitted by the Governor within four weeks after the
44 vacancy arises to the General Assembly for confirmation by the General Assembly. Appointments
45 to fill a vacancy shall have a term of six years plus the remainder of the unexpired term. If the
46 Governor fails to timely nominate a person to fill the vacancy, the General Assembly shall appoint
47 a person to fill the remainder of the unexpired term upon the joint recommendation of the
48 President Pro Tempore of the Senate and the Speaker of the House of Representatives in
49 accordance with G.S. 120-121 not inconsistent with this section. If a vacancy arises or exists
50 pursuant to this subsection when the General Assembly is not in session, and the appointment is
51

1 deemed urgent by the Governor, the commissioner may be appointed and serve on an interim basis
2 pending confirmation by the General Assembly. For the purpose of this subsection, the General
3 Assembly is not in session only (i) prior to convening of the Regular Session, (ii) during any
4 adjournment of the Regular Session for more than 10 days, and (iii) after sine die adjournment of
5 the Regular Session.

6 No person while in office as a commissioner may be nominated or appointed on an interim
7 basis to fill the remainder of an unexpired term, or to a full term that commences prior to the
8 expiration of the term that the commissioner is serving.

9 ~~(b) One member, to be designated by the Governor, shall act as chairman. On December~~
10 ~~30, 2016, and every four years thereafter, one member shall be designated by the Governor to act~~
11 ~~as chairman for a term of four years. In case of death, incapacity, resignation, or any other vacancy~~
12 ~~of the chairman, the Governor shall designate a new chairman from the remaining commissioners~~
13 ~~for the remainder of the four-year term. No member who has served less than one year on the~~
14 ~~Commission may be designated to act as chairman.~~

15 The chairman shall be the chief judicial officer and the chief executive officer of the Industrial
16 Commission; such authority shall be exercised pursuant to the provisions of Chapter 126 of the
17 General Statutes and the rules and policies of the State Human Resources Commission.
18 Notwithstanding the provisions of this Chapter, the chairman shall have such authority as is
19 necessary to direct and oversee the Commission. The chairman may delegate any duties and
20 responsibilities as may be necessary to ensure the proper management of the Industrial
21 Commission. Notwithstanding the provisions of this Chapter, Chapter 143A, and Chapter 143B of
22 the General Statutes, the chairman may hire or fire personnel and transfer personnel within the
23 Industrial Commission.

24 ~~The Governor may designate one vice-chairman from the remaining commissioners. On~~
25 ~~December 30, 2016, and every four years thereafter, one member shall be designated by the~~
26 ~~Governor to act as vice-chairman for a term of four years. In case of death, incapacity, resignation,~~
27 ~~or any other vacancy of the vice-chairman, the Governor shall designate a new vice-chairman~~
28 ~~from the remaining commissioners for the remainder of the four-year term. The vice-chairman~~
29 ~~shall assume the powers of the chairman upon request of the chairman or when the chairman is~~
30 ~~absent for 24 hours or more. The authority delegated to the vice-chairman shall be relinquished~~
31 ~~immediately upon the return of the chairman or at the request of the chairman."~~

32 **SECTION 24.(b)** G.S. 97-77(a1), as amended by subsection (a) of this section, reads
33 as rewritten:

34 "(a1) Appointments of commissioners are subject to confirmation by the General Assembly
35 by joint resolution. The names of commissioners to be appointed by the Governor shall be
36 submitted by the Governor to the General Assembly for confirmation by the General Assembly on
37 or before March 1 of the year of expiration of the term. If the Governor fails to timely submit
38 nominations, the General Assembly shall appoint to fill the succeeding term upon the joint
39 recommendation of the President Pro Tempore of the Senate and the Speaker of the House of
40 Representatives in accordance with G.S. 120-121 not inconsistent with this section.

41 In case of death, incapacity, resignation, or any other vacancy in the office of any
42 commissioner prior to the expiration of the term of office, a nomination to fill the vacancy for the
43 remainder of the unexpired term shall be submitted by the Governor within four weeks after the
44 vacancy arises to the General Assembly for confirmation by the General Assembly. ~~Appointments~~
45 ~~to fill a vacancy shall have a term of six years plus the remainder of the unexpired term.~~ If the
46 Governor fails to timely nominate a person to fill the vacancy, the General Assembly shall appoint
47 a person to fill the remainder of the unexpired term upon the joint recommendation of the
48 President Pro Tempore of the Senate and the Speaker of the House of Representatives in
49 accordance with G.S. 120-121 not inconsistent with this section. If a vacancy arises or exists
50 pursuant to this subsection when the General Assembly is not in session, and the appointment is
51 deemed urgent by the Governor, the commissioner may be appointed and serve on an interim basis

1 pending confirmation by the General Assembly. For the purpose of this subsection, the General
2 Assembly is not in session only (i) prior to convening of the Regular Session, (ii) during any
3 adjournment of the Regular Session for more than 10 days, and (iii) after sine die adjournment of
4 the Regular Session.

5 No person while in office as a commissioner may be nominated or appointed on an interim
6 basis to fill the remainder of an unexpired term, or to a full term that commences prior to the
7 expiration of the term that the commissioner is serving."

8 **SECTION 24.(c)** Subsection (a) of this section is effective when it becomes law and
9 applies to the first appointment made to fill a vacancy existing as of that date. Subsection (b) of
10 this section becomes effective on the earlier of December 31, 2016, or upon the filling of a
11 vacancy pursuant to subsection (a) of this section.

12 **PART VI. EFFECTIVE DATE**

13 **SECTION 25.** If any provision of this act or its application is held invalid, the
14 invalidity does not affect other provisions or applications of this act that can be given effect
15 without the invalid provisions or application, and to this end, the provisions of this act are
16 severable.

17 **SECTION 26.** Except as otherwise provided, this act is effective when it becomes
18 law.
19